IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHARLES H. VIAN 197267,

       Petitioner,

  v.

D.O.C. (Department of Corrections); MR. HEPP,
Warden; CARRIE TAYLOR, D. Warden; JODY
DAUGHERTY, ICE; TAMMY MAASSEN, HSU
Manager; KENNETH ADLER, Doctor; DEBRA
TIDQUIST, N.P.; SHARON ZUNKER, Medical
Head; KAREN GOURLIE, CCE; CARLA
THOMPSON, Nurse; LEE STACY, Nurse;
BETTY PETERSON, Nurse; and GREG MEIER,
Nurse;

       Respondents.

ORDER

08-cv-569-slc

   Petitioner Charles Vian, a prisoner at the Jackson Correctional Institution in Black River

Falls, Wisconsin, has submitted a proposed complaint. He requests leave to proceed *in forma*

pauperis. A decision on the request will be delayed until petitioner pays an initial partial

payment of the $350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison

Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time

because he has not submitted a trust fund account statement with his complaint.

   Petitioner's complaint was submitted on September 11, 2008. His trust fund account

statement should cover the six-month period beginning approximately March 10, 2008 and

ending approximately September 12, 2008. Once petitioner has submitted the necessary

statement, I will calculate his initial partial payment and advise him of the amount he will have

to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that petitioner may have until October 22, 2008, in which to submit a trust fund account statement for the period beginning approximately March 10, 2008 and ending approximately September 12, 2008. If, by October 22, 2008, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 2nd day of October, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

2